

HIGH PEAK BOROUGH COUNCIL

The Executive

11 February 2021

TITLE:	Buxton Neighbourhood Plan Designation
EXECUTIVE COUNCILLOR:	Councillor Anthony McKeown, Council Leader
CONTACT OFFICER:	Mark James – Principal Planning Officer
WARDS INVOLVED:	Barms, Burbage, Buxton Central, Corbar, Cote Heath, Limestone Peak, Stone Bench and Temple

Appendices Attached –

Appendix A1 – Application for designation of a Neighbourhood Area and Forum for Buxton

Appendix A2 – Proposed Neighbourhood Area Map

Appendix A3 – Constitution of the Buxton Neighbourhood Forum

Appendix A4 – Buxton Neighbourhood Forum Statement

Appendix A5 - Buxton Neighbourhood Forum Members

Appendix A6 – List of responses to the consultation

1. Reason for the Report

- 1.1 To report the responses to the consultation on the applications to designate a neighbourhood area and neighbourhood forum for Buxton and to note the findings.

2. Recommendation

- 2.1 The Councillors note the responses to the consultation and the contents of the report.
- 2.2 That the Executive support and approve the recommendations within the report.

3. Executive Summary

- 3.1 On 9th September 2020 Buxton Neighbourhood Forum applied to the Borough Council for the designation of a neighbourhood forum and a neighbourhood area for Buxton. This Committee approved consultation on the applications for the designations on the 7th October 2020 and this was ratified by The Executive on the 8th October 2020. HPBC publicised the proposed neighbourhood area and forum designation applications for a six week period between 26th November

2020 and 12th January 2021.

- 3.2 In total 29 responses were received to the consultation, 12 from statutory consultees and organisations and 17 from individuals. This report summarises the responses received and considers the issues raised in those responses. A full list of consultation responses is provided in Appendix A6.
- 3.3 The Executive will consider the consultation responses on the 11th February 2021. A number of recommendations are proposed which includes designating the Buxton Neighbourhood Area and the Buxton Neighbourhood Forum. Having both designations will mean that the Buxton Neighbourhood Forum can begin to prepare a neighbourhood plan or neighbourhood development order for the Buxton area and apply for funding.
4. **How this report links to Corporate Priorities**
- 4.1 Given the broad nature of neighbourhood planning, there will be direct implications for all of the Councils corporate priorities.

Neil Rodgers
Executive Director (Place)

**Web Links and
Background Papers**

Localism Act 2011

The Neighbourhood Planning (General) Regulations
2012 (as amended)

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5. **Detail**

- 5.1 On the 9th September 2020 Buxton Neighbourhood Forum Community Interest Company (CIC) applied to the Council to designate a neighbourhood forum and a neighbourhood area for Buxton. Having both neighbourhood area and forum designations means that the Buxton Neighbourhood Forum can begin to prepare a neighbourhood development plan or neighbourhood development order. A neighbourhood plan forms part of the development plan and sits alongside the local plan. Decisions on planning applications will be made using both the local plan and the neighbourhood plan or order, and any other material considerations.
- 5.2 The local planning authority must determine the applications within certain timescales. The Neighbourhood Planning (General) (Amendment) Regulations 2015 prescribe time limits for the determination of a neighbourhood area and

forum applications. The Council is required to determine the applications within 13 weeks of them first being publicised. If these time limits are not met, the local planning authority must designate all of the area applied for. Consultation on the Buxton neighbourhood forum and neighbourhood area applications for designation commenced on the 26th November 2020 and ran until 12th January 2021. The responses received to the consultation are reported below and The Executive will consider the designation of the neighbourhood area and forum on the 11th February 2021 so that the timescales can be met.

- 5.3 The six week consultation included direct communication to statutory consultees and other interested individuals/organisations on the Council's planning policy database. The main focus for the consultation was the Council's website where all the supporting information was provided with a link to make on-line comments. Social media and a media release were also used to publicise the event and there was coverage of the consultation in the local news.
- 5.4 In total 29 responses were received. 12 from statutory consultees / other organisations and 17 from individuals. A summary of the comments and an officer response is provided in Appendix A6.

Neighbourhood Area

- 5.5 An application for a neighbourhood area designation must include a statement explaining why the proposed neighbourhood area is appropriate. A group can apply for a neighbourhood area to be designated even if it is not yet a designated neighbourhood forum. However, in order to be sure that the group is the appropriate body to lead neighbourhood planning in that area, the group must demonstrate that it is capable of becoming the designated neighbourhood forum for the neighbourhood area they are applying to have designated.
- 5.6 The Council must consider the following:
- Is the organisation making the application a relevant body (as prescribed in the Act this must be a Parish Council or in unparished areas, a designated Neighbourhood Forum)?
 - Is the area identified for designation as a neighbourhood area considered appropriate?
 - Would the area more appropriately be designated a business area? Is the area wholly or predominantly in business use?
 - Does the area overlap with another designated area?

Consultation Responses

Do you think the proposed neighbourhood area is appropriate?

Agree – 13, Disagree – 0, General Comment – 4

- 5.7 Summary of comments in support:
- Area covers the part that is not parished.
 - Perfect area as does not overlap with other parish councils.
 - Boundary makes logical sense.

- No coverage within any current Neighbourhood Plan.
- Good to see area goes beyond the town centre and covers areas of important countryside such as Cuningdale.

5.8 Summary of general comments:

- Irrelevant. It's defined by ward boundaries.
- Surrounding countryside is an important part of the character of Buxton.
- Important that consideration is given to rural and agricultural businesses.
- Boundary makes sense but cuts through the Harpur Hill Industrial Estate and the Health and Safety Executive. Any forthcoming neighbourhood plan policies for these locations would need to take this into account.

Officer Response

5.9 The proposed neighbourhood area boundary is the same as the unparished area of Buxton. It includes the urban area and also the countryside surrounding Buxton. Two responses, including the response from Derbyshire County Council (DCC) referred to the fact that the area boundary does cut through the Health and Safety Executive site and the Industrial Estate at Harpur Hill. DCC recommend that any forthcoming neighbourhood plan policies for this location should take this into account.

5.10 The proposed neighbourhood area is considered to be appropriate and logical and does not overlap with another designated neighbourhood area. It would not be more appropriate as a business area as it covers a much wider area covering various land uses and includes a substantial area of countryside.

5.11 Note recommendations to The Executive:

- That the Council designates the Buxton Neighbourhood Area.
- That the Council informs Buxton Neighbourhood Forum that any forthcoming neighbourhood plan policies for the Health and Safety Executive site and the Industrial Estate at Harpur Hill should take into account that the neighbourhood area boundary cuts through these sites.

Neighbourhood Forum

5.12 A designated neighbourhood forum is an organisation or group empowered to lead the neighbourhood planning process in a neighbourhood area where there is no town or parish council.

5.13 Those making a forum application must show how they have sought to comply with the conditions for neighbourhood forum designation. These are set out in section 61F(5) of the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. This includes the provision of a written constitution.

5.14 To be designated a neighbourhood forum must have a membership that includes a minimum of 21 individuals who either: live in the neighbourhood area, work there; and/or are elected members for a local authority that includes all or part of the neighbourhood area. The Council is required to consider the extent to which the membership is drawn from different places within the area and

whether it includes different sections of the community in that area.

Consultation Responses

Do you think the proposed neighbourhood forum meets the legal requirements?

Agree – 14, Disagree – 0, General Comment – 3.

5.15 Summary of comments in support:

- Seems like a good choice.
- Much-needed to get an official voice for the people of Buxton.
- Agree that the forum meets the legal needs and includes individuals with extensive experience.
- Fit the bill for what is needed in such a group.
- Consider the forum presents a wide range of interests.
- Opportunity for people of Buxton to have their say.

5.16 Summary of general comments:

- Back the proposal but would like to see a more diverse membership. How do people join?
- Mixed views. Well-intentioned but doubt that the forum will have weight and be effective.
- Some places should be reserved for people representing rural businesses including agriculture.

Officer Response

5.17 The information submitted as part of the forum application includes a statement, constitution and list of members. The statement sets out the reason for forming the Buxton Neighbourhood Forum which is to produce a Neighbourhood Plan for the unparished area of Buxton. It also sets out the extent to which the membership is drawn from different places within the area and how it includes different age groups from mid-twenties to eighties and different sections of the community.

5.18 The constitution sets out the forum's objectives, how it will operate and provides details of how individuals can apply to join the forum. Membership of the forum appears to be well spread across the Buxton wards and includes residents, business owners/workers with some being active members of other community organisations. Two members of the forum are members of HPBC.

5.19 It is considered that the application to designate the Buxton Neighbourhood Forum meets the legal requirements.

5.20 Note recommendations to The Executive

- That the Council designates the Buxton Neighbourhood Forum CIC as the Neighbourhood Forum for Buxton.
- That the Council recommends that the Forum considers applications for new members as set out in the forum's constitution to draw from different places and sections of the community.

Summary of other comments received

- 5.21 A number of consultees stated that they had no comments to make at this stage but would like to be kept informed of progress and included in future consultations. This includes: SSA Planning, Manchester Airports Group and Severn Trent Water.
- 5.22 A number of consultees stated that they would like to be consulted on any forthcoming neighbourhood plan / order and provided detailed advice and links to information which the forum should consider when preparing a neighbourhood plan / order. This includes: The Coal Authority, Natural England, The National Grid and High Peak Access Group.
- 5.23 The response from Derbyshire County Council confirmed that Councillors Linda Grooby and Tony Kemp, the Local County Council Members for Buxton North and East, and Buxton West have been consulted. Councillor Grooby confirmed that she is happy for HPBC to proceed with this application.
- 5.24 A number of consultees raised other issues and/or suggested areas that could be considered by the neighbourhood forum. This includes: need for consideration of safe cycling or walking infrastructure; the wider countryside and agricultural businesses (NFU Derbyshire); biodiversity, green spaces and wildlife corridors; and reinstating the cast iron and glass colonnades.
- 5.25 One consultee stated that they were unclear on the relationship between the Neighbourhood Plan and the Local Plan (2016) and another referenced the recent government White Paper "Planning for the Future".

Officer Response

- 5.26 Although a number of responses to the consultation do not specifically refer to the neighbourhood area or forum designation applications they provide relevant information for preparation of the neighbourhood plan in terms of advice and information. It is considered appropriate for these responses to be passed onto the Neighbourhood Forum.
- 5.27 The scope and complexity of a neighbourhood plan depends on various factors and could be wide-ranging or deal with one or two issues only. A number of respondents have made more general comments about areas/topics that could be included in the neighbourhood plan and these can also be passed on to the Neighbourhood Forum.
- 5.28 Neighbourhood plans and local plans are both part of the overall development plan for an area once they are adopted. Policies included within neighbourhood plans are prepared by local communities and add local detail but neighbourhood plans must be in conformity with their local plan. The outcome of the government 'White Paper' is still to be determined and neighbourhood plans should be prepared in line with the relevant regulations at the time of preparation.
- 5.29 Note recommendations to The Executive:

That the Council provides the Buxton Neighbourhood Forum with the responses to the consultation so that:

- Specific information and advice provided by statutory and other consultees can be taken into consideration by the forum and inform the development of the neighbourhood plan/order;
- Respondents that have requested to be kept informed can be added to the Neighbourhood Forum's consultation list; and
- Issues and themes raised in the individual responses can be considered by the Forum.